

Subordinate Local Law No. 16.7

(Saleyards) 2008

Consolidated version

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Subordinate Local Law No. 16.7 (Saleyards) 2008
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Council of the City of Gold Coast Subordinate Local Law No. 16.7 (Saleyards) 2008

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Council of the City of Gold Coast Subordinate Local Law No. 16.7 (Saleyards) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 16.7 (Saleyards) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 16 (Licensing) 2008*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 16 (Licensing) 2008* by—

- (a) ensuring that the operation of saleyards does not cause a nuisance; and
- (b) protecting the welfare of animals, the safety of the public and the health of the public from cross contamination by zoonotic infections.

4 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Licensing

5 Application for a licence

For the purposes of section 6(1)(c)(iv) of *Local Law No. 16 (Licensing) 2008*, an application for a licence for the operation of a saleyard must, unless otherwise required by the local government, be accompanied by—

- (a) the street address, real property description and details of the owner of the premises at which the operation of the saleyard will be undertaken; and
- (b) the name, street address, telephone number, facsimile number and email address of the person to be operating the saleyard; and
- (c) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Number of the business under which the saleyard is to be operated; and
- (d) the name and street address of the person responsible for the design of any buildings or structures involved in the operation of the saleyard; and

- (e) details of the operation of the saleyard including—
 - (i) the types and numbers of animals which are being kept; and
 - (ii) the handling of the animals and the collection and disposal of wastes and waste water; and
- (f) a plan to scale of the operation of the saleyard showing—
 - (i) a site plan; and
 - (ii) a floor plan; and
 - (iii) a drainage plan; and
 - (iv) a plan showing elevations; and
 - (v) a plan depicting construction and fitout details; and
- (g) details of the proposed inspection, monitoring and management program.

6 Deciding application for a licence

For the purposes of Schedule 2 (Dictionary) and section 7(2)(f) of *Local Law No. 16 (Licensing) 2008*, the local government may grant a licence for the operation of a saleyard if satisfied that the operation of the saleyard complies with the following assessment criteria—

- (a) The operation of the saleyard can be lawfully conducted on the premises.
- (b) The matters which are the subject of the conditions specified in section 7 (Conditions of a licence) of this subordinate local law which are relevant to the operation of a saleyard can be adequately addressed by the imposition of those conditions.

7 Conditions of a licence

For the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008*, the local government may impose all or any of the following conditions on a licence for the operation of a saleyard¹—

- (a) No animal which is infected with a contagious disease or zoonosis may be brought into a premises used as a saleyard.
- (b) All animals kept on the premises must be housed or displayed in a suitable enclosure.

¹ This section prescribes, for the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008*, the conditions that will ordinarily be imposed in a licence. However, the local government may, pursuant to section 9(1) of *Local Law No. 16 (Licensing) 2008*, grant a licence on any conditions the local government considers appropriate.

- (c) An enclosure must be provided and maintained in such a manner so as to—
 - (i) prevent any animal from escaping from the approved premises; and
 - (ii) protect the safety of staff and the public; and
 - (iii) be kept within the curtilage of the approved premises.
- (d) All animals must be provided with sufficient food and water.
- (e) If an animal contracts or is suspected of contracting a disease—
 - (i) the animal must be isolated from other animals; and
 - (ii) immediate action must be taken to ensure prompt notification, treatment and removal of the animal.
- (f) An animal must not be displayed or exposed for sale outside the approved premises.
- (g) The operation of the saleyard must not detrimentally affect the amenity of neighbouring premises.
- (h) The hours of operation of the saleyard must not detrimentally affect the amenity of neighbouring premises.
- (i) The operation of the saleyard including any premises, building, structure, vehicle, facility or equipment must be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
- (j) The operation of the saleyard must not cause an odour nuisance to neighbouring premises.
- (k) The operation of the saleyard must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (l) The saleyard must be suitably and continuously ventilated to ensure that all the animal housing areas are free of dampness, nuisance odours and dust emissions.
- (m) The operation of the saleyard or activities associated with the operation of a saleyard must not involve the storage in the open of any goods or material.

- (n) A contaminant must not be released to the environment as part of the operation of the saleyard if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (o) All objects, including vehicles and machinery, which are dismantled as part of the operation of the saleyard must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (p) Only rainwater from uncontaminated areas may drain directly into the stormwater system.
- (q) Any spillage of a waste, a contaminant or another material must—
 - (i) be cleaned up immediately; and
 - (ii) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or waters.
- (r) Stormwater must be diverted away from hazardous material storage and contained work areas.
- (s) Lighting used to illuminate any areas of the premises must be angled or shaded in such a manner that the light does not cause a nuisance.
- (t) Dead animals must be removed from the premises daily by a waste transporter to a waste disposal facility.
- (u) The operation of the saleyard must not attract fly breeding or vermin infestation.
- (v) No access must be provided to the ingress of vermin as part of the operation of the saleyard.
- (w) The operation of the saleyard must be kept free of pests and conditions offering harbourage for pests.
- (x) Adequate levels of fresh air must be maintained for the public in accordance with the *Building Act 1975*.
- (y) Water intended for use for domestic purposes as part of the operation of the saleyard must be from an approved water source.
- (z) The water to be used in the operation of the saleyard must be of an appropriate quality to be used for that purpose.
- (aa) Adequate water and electricity must be provided as part of the operation of the saleyard.
- (ab) A wash tub of sufficient size to clean cages must be installed and fitted with hot and cold running water.

- (ac) All hazardous materials must be stored and used in a safe manner as part of the operation of the saleyard.
- (ad) All maintenance of the saleyard must be performed safely in accordance with all relevant laws.
- (ae) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the saleyard.
- (af) Waste waters from animals from the washing down of any floor, surface, enclosure or other area must be collected and drained to an approved pre-treatment device before discharge to the sewerage system.
- (ag) Manure and offensive matter must be cleaned up at least once each day and then placed forthwith into a waste container.
- (ah) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the saleyard must be provided in the manner and locations specified by the local government.
- (ai) Any waste container that is provided as part of the operation of the saleyard must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (aj) Any waste container that is provided as part of the operation of the saleyard must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (ak) All waste (including waste water) generated as part of the operation of the saleyard must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Water Supply (Safety and Reliability) Act 2008*.
- (al) All waste generated as part of the operation of the saleyard must be disposed of in a manner which maintains the operation of the saleyard and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (am) All waste water generated during or from the operation of the saleyard must be discharged safely to the sewerage system or an on-site sewerage facility.
- (an) Trade waste from the operation of the saleyard must be disposed of in accordance with a permit under the *Water Supply (Safety and Reliability) Act 2008*.
- (ao) Waste generated as part of the operation of the saleyard must be kept so as not to attract pests.
- (ap) Waste from the operation of the saleyard must not be disposed of into the stormwater system, waters or a watercourse.

- (aq) Waste must not be incinerated.
- (ar) Any premises, building, structure, vehicle, facility or equipment which is part of the operation of the saleyard the subject of the licence must not be changed in any respect without the prior notification of the local government and approval of an authorised person.
- (ba) Any building or structure that forms part of the saleyard must comply with the *Building Act 1975* and the *Building Regulation 2006*.
- (bb) The operation of the saleyard must comply with the *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2009*, *Environmental Protection (Noise) Policy 2008*, *Environmental Protection (Air) Policy 2008* and the *Environmental Protection (Waste Management) Regulation 2000*.
- (bc) The operation of any regulated activity as part of the operation of the saleyard the subject of this licence must be the subject of a separate licence under *Local Law No. 16 (Licensing) 2008*.
- (bd) The operation of the saleyard must comply with—
 - (i) any relevant development approval; and
 - (ii) the provisions of the planning scheme and any relevant planning scheme policy.

Part 3 Enforcement

8 Records to be kept

For the purpose of section 15 (Records to be kept) of *Local Law No. 16 (Licensing) 2008*—

- (a) records must be kept by the person operating the saleyard; and
- (b) the records must contain details of—
 - (i) the waste transporter; and
 - (ii) material safety data sheets for all hazardous material stored on the premises; and
- (c) the records must be kept for a period of seven years.

9 Inspection monitoring or management program

For the purpose of section 16 (Inspection, monitoring or management program) of *Local Law No. 16 (Licensing) 2008*, the person operating the saleyard must (unless otherwise required by the local government) maintain—

- (a) a pest control management program; and

- (b) a stormwater management program; and
- (c) a waste management program; and
- (d) a noise management program.

Schedule Dictionary

section 4

animal means an animal which is kept as part of the operation of a saleyard.

approved premises means a saleyard the operation of which has been licensed pursuant to *Local Law No. 16 (Licensing) 2008*.

approved water source means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

contaminant has the meaning given in the *Environmental Protection Act 1994*.

dangerous good has the meaning given in *Dangerous Goods Safety Management Act 2001*.

development approval has the meaning given in the *Sustainable Planning Act 2009*.

environment has the meaning given in the *Sustainable Planning Act 2009*.

groundwater means water occurring in a geological structure or formation under the surface of the ground.

hazardous material means a substance which—

- (a) because of its chemical, biochemical, microbiological or radiological properties, temperature or state of compression could in sufficient concentration cause—
 - (i) harm to human health and safety or personal injury; or
 - (ii) property damage; or
 - (iii) environmental harm or environmental nuisance; and
- (b) includes—
 - (i) a hazardous substance; and
 - (ii) a dangerous good; and
 - (iii) a scheduled poison.

hazardous substance has the meaning given in the *Workplace Health and Safety Regulation 2008*.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

planning scheme policy has the meaning given in the *Sustainable Planning Act 2009*.

potable water means water that is acceptable for human consumption.

recognised water source means a source of water recognised in writing by the local government as—

- (a) complying with the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council and the Agricultural Resources Management Council of Australia and New Zealand; or
- (b) being suitable for domestic purposes.

scheduled poison has the meaning given in the *Standard for the Uniform Scheduling of Medicines and Poisons*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

stormwater system means—

- (a) a roadside gutter; or
- (b) a stormwater drain; or
- (c) surface water; or
- (d) any other land or structure that is used to convey stormwater.

surface water means water other than groundwater.

vermin means rats, mice, guinea pigs and other rodents capable of carrying or transmitting a disease which is notifiable under an Act, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

waste has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

waste container means a weatherproof container for the storage of waste that—

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and

- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

waste water means a liquid waste.

watercourse has the meaning given in the *Water Act 2000*.

waters has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

water source means the source from which water is obtained.

zoonosis means infectious diseases which are naturally transmitted from vertebrate animals to human and **zoonotic** has the corresponding meaning.